

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, JUNE 28, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
DINO F. BUCCI, JR, TRUSTEE  
JANET DUNN, TRUSTEE  
ROGER KRZEMINSKI, TRUSTEE  
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel  
Jerome Schmeiser, Planning Consultant  
James VanTiflin, Engineering Consultant  
*(Additional attendance on file at the Clerk's Office)*

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made, with items 13B through 13K being added, and items 23A and 23B also being added.

**MOTION by DUNN seconded by BUCCI to approve the agenda as amended.**

**MOTION carried.**

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

**MOTION by KRZEMINSKI seconded by KOEHS to approve both bill runs as presented.**

**MOTION carried.**

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**APPROVAL OF THE PREVIOUS MEETING MINUTES**

4. The minutes of the previous meetings held on June 14, 2006 and June 21, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by DUNN seconded by BUCCI to approve the minutes of the meetings of June 14, 2006 as presented.**

**MOTION carried.**

**MOTION by DUNN seconded by MALBURG to approve the minutes of the meetings of June 21, 2006 presented.**

**MOTION carried.**

5. **Consent Agenda Items:**

A. Clerk's Department:

1. **Release of Site Plan Bond;** Baker Machining and Mold; Parcel No. 08-20-104-005.
2. **Release of Monuments and Irons Bond;** Sawmill Creek Estates Subdivision; Parcel No. 08-18-200-005.
3. **Release of Paving Bond;** Sawmill Creek Estates Subdivision; Parcel No. 08-18-200-005.
4. **Release of Sanitary Sewer & Water Main Bond;** Sawmill Creek Estates Subdivision; Parcel No. 08-18-200-005.
5. **Release of Storm Sewer Bond;** Sawmill Creek Estates Subdivision; Parcel No. 08-18-200-005.
6. **Release of Pathway Bond;** Strathmore Condominiums; Parcel No. 08-04-100-029.
7. **Release of Wall Sign Bond;** Intelligent Cellular, 21988 23 Mile Road; Parcel No. 08-23-100-029.
8. **Release of Model Permit Bond;** Parkview Commons, Lot 53; Permanent Parcel No. 08-23-100-015.
9. **Release of Model Permit Bond;** Edinburgh Estates, Lot 5; Permanent Parcel No. 08-22-200-017.
10. **Release of Model Permit Bond;** Ridge Pointe Subdivision, Lot 2; 46927 Ridge Pointe Drive.
11. **Release of Model Permit Bond;** Westchester Farms Subdivision, Lot 76; 45179 Riverwoods Drive.
12. **Release of Model Permit Bond;** Deerfield Park Subdivision No. 2; Lot 93; Section 22.

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13. **Release of Model Permit Bond;** Koss Farms Subdivision, Lot 5; Section 28.
14. **Release of Model Permit Bond;** Wolverine Trace Subdivision, Lot 1 and Lot 44; Section 4.
15. **Release of Model Permit Bond;** Wolverine Trace Subdivision, Lot 2; Section 4.
16. **Release of Model Permit Bond;** Bayberry Park Subdivision, Lot 45; Permanent Parcel No. 08-07-177-012.
17. **Release of Model Permit Bond;** Willow Woods Subdivision, Lot 48; 18047 Rose Court.
18. **Release of Model Permit Bond;** Woodside Trail Subdivision, Lot 55; Section 16.
19. **Release of Model Permit Bond;** Woodside Trails Subdivision, Lot 56; Permanent Parcel No. 08-16-300-017.
20. **Release of Model Permit Bond;** Pine Pointe Subdivision, Lot 1; Permanent Parcel No. 08-06-376-016.
21. **Release of Model Permit Bond;** Middle River Estates Subdivision, Lot 110; Permanent Parcel No. 08-21-127-004.
22. **Release of Model Permit Bond;** Cambridge Commons Subdivision, Lot 4 and Lot 5; Section 21.
23. **Release of Model Permit Bond;** Cambridge Commons Subdivision, Lot 52; Section 21.
24. **Release of Model Permit Bond;** Cambridge Commons Subdivision, Lot 26; Section 21.
25. **Release of Landscape Bond;** Lone Star Estates Subdivision, Permanent Parcel No. 08-22-400-016.

B. Water and Sewer Department

1. **Easement Encroachment Agreement;** Antonio M. and Kathleen C. Zeoli; 45778 Withrop Drive, Lot 83, Westchester Farms.
2. **Easement Encroachment Agreement;** James A. Kurish; 47088 Hidden Meadows Drive, Lot 44, Hidden Meadows Subdivision.
3. **Easement Encroachment Agreement;** Marco and Kristern Mazzola; 47299 Anchor Drive, Lot 6, Rocco Estates Subdivision.
4. **Easement Encroachment Agreement;** Craig M. and Shelley Laporate, 51958 Emil Drive, Lot 45, Meerschaert Farms.

C. Department Monthly Reports:

1. Fire Department
2. Water/Sewer Department

**MOTION by BUCCI seconded by KRZEMINSKI to approve the consent agenda as presented.**

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**MOTION carried.**

6. **Public Comments -** (3 minute time limit)

**AGENDA ITEMS**

**PLANNING**

7. **Final Plat; Legacy Farms Subdivision, Phase I;** Located on the west side of Fairchild Road about ¼ mile north of 22 Mile Road. Classic Development, LLC, Petitioner; Permanent Parcel Number 08-24-401-0040.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Chris Cousino, representing the petitioner, was also present to answer any questions which the commission might have.

**MOTION by DUNN seconded by NEVERS to approve the Final Plat; Legacy Farms Subdivision, Phase I; Permanent Parcel Number 08-24-401-0040, and direct the Clerk to sign the Mylar.**

**MOTION carried.**

8. **Extension of Time; Tentative Preliminary Plat; Milano Industrial Subdivision No. 3;** Located on the north side of 23 Mile Road, approximately ½ mile east of Hayes Road; Leone Construction Company, Petitioner. Permanent Parcel No. 08-18-400-014.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

**MOTION by BUCCI seconded by MALBURG to approve the request for an Extension of Time; Tentative Preliminary Plat; Milano Industrial Subdivision No. 3; Permanent Parcel No. 08-18-400-014 for a period of one year.**

**MOTION carried.**

9. **Extension of Time; Landscape and Pathway Variance;** Clearstone Subdivision, Located on the southwest corner of 26 Mile Road and Luchtman Road, Section 5; Galaxy Sign and Hoisting, Petitioner; Permanent Parcel Number 08-05-200-011.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. William Thompson, representing the petitioner, was also present to answer any questions which the Board might have.

**MOTION by KOEHS seconded by MALBURG to approve the request for an Extension of Time for the Landscape and Pathway Variance at Clearstone Subdivision, Permanent Parcel Number 08-05-200-011 to expire on September 1, 2006.**

**MOTION carried.**

10. **Request Temporary Sales Trailer; Lake Arrowhead Condominiums, Unit 105;** Located on the east side of Card Road about ½ mile north of 21 Mile Road, Section 26, LaSalle Homes, Petitioner; Permanent Parcel No. 08-26-151-105.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Request for a Temporary Sales Trailer at Lake Arrowhead Condominiums, Unit 105; Permanent Parcel No. 08-26-151-105 for a period of one year conditioned on the parking area being a paved surface.**

**MOTION carried.**

11. **Final Plat, Lone Star Estates Subdivision;** Located on the west side of Card Road about 700 feet north of 22 Mile Road; Polson Land Development, Petitioner; Permanent Parcel Number 08-22-400-016.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. James Grosser, representing the petitioner, was also present to answer any questions which the Board might have.

**MOTION by DUNN seconded by NEVERS to approve the Final Plat for Lone Star Estates Subdivision; Permanent Parcel Number 08-22-400-016. and to direct the Clerk to Sign the Mylar.**

**MOTION carried.**

12. **Macomb Township Master Plan Amendment Proposal; The Procedure for and the Review of the Commercial Market Analysis Report.**

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this item regarding the status of commercial property needs for the Township and stated his recommendation for the Board of Trustees to distribute the proposed amendment.

**MOTION by KRZEMINSKI seconded by BUCCI to authorize the distribution of the proposed amendment to the Master Plan.**

**MOTION carried.**

**NEW BUSINESS**

13. **Request Authorization for Legal Counsel to defend in the matter of Garland Rental Properties, LLC, et al v. Macomb Township; Case No. 06-2543-CH.**

Supervisor BRENNAN reviewed this item and stated his recommendation of approval.

**MOTION by KRZEMINSKI seconded by NEVERS to authorize legal counsel to defend the Township in the Matter of Garland Rental Properties, LLC, et al v. Macomb Township; Case No. 06-2543-CH.**

**MOTION carried.**

Supervisor BRENNAN also stated that the Township has received ten additional Tax Tribunal cases and he would also recommend that the Board authorize legal counsel to defend in these matters as well.

**MOTION by KRZEMINSKI seconded by KOEHS to authorize legal counsel to defend the Township in the matter of the ten additional Tax Tribunal cases.**

**MOTION carried.**

14. **Adopt Budget for Fiscal Year 2006-2007.**

Supervisor BRENNAN reviewed this item in detail and after answering several questions from the Board, he stated his recommendation of approval.

**MOTION by DUNN seconded by NEVERS to adopt the Annual Budget for 2006-2007 fiscal year as follows:**

**GENERAL APPROPRIATIONS ACT**

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**An Act to provide for the adoption of a budget proposed by the Township Supervisor containing estimates of proposed revenues, expenditures, and to provide for the levy of taxes for the fiscal year beginning July 1, 2006 and ending June 30, 2007 in accordance with Michigan Public Act 621 of 1978.**

***Be it resolved* by the Board of Trustees, Township of Macomb, County of Macomb, State of Michigan.**

**Section 1. That for the expenses of Township Government and its activities for the fiscal year, beginning July 1, 2006 and ending June 30, 2007 the following Sections are hereby appropriated:**

**Section 2. That for the said fiscal year there is hereby appropriated out of the General Fund \$11,517,936.00**

**Section 3. That for the said fiscal year there is hereby appropriated out of the Municipal Street Fund \$500,500.00**

**Section 4. That for the said fiscal year there is hereby appropriated out of the Fire Fund-**

**Operations Fund \$3,343,796.00**

**Improvement Fund \$1,270,600.00**

**Section 5. That for the said fiscal year there is hereby appropriated out of the Parks / Recreation Fund \$4,858,387.00**

**Section 6. That for the said fiscal year there is hereby appropriated out of the Law Enforcement Fund \$2,770,250.00**

**Section 7. That for the said fiscal year there is hereby appropriated out of the Building Authority Construction Fund \$9,500,100.00**

**Section 8. That for the said fiscal year there is hereby appropriated out of the Fire Retirement Systems Fund \$37,565.00**

**Section 9. Those amounts budgeted for specific items or purposes and not required to be utilized for such items and purposes may be rebudgeted by the Township Supervisor for other items and purposes within the same funds for which such allocation was originally made.**

**Section 10. The information summary with respect to the Water and Sewer Funds, while not subject to the budgetary process, is incorporated herein for purposes of information and reference.**

**Adopted this 28<sup>th</sup> day of June 2006.**

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**John D. Brennan, Macomb Township Supervisor**

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**Attested, Michael D. Koehs, Macomb Township Clerk**

**FOR THIS MOTION: DUNN, NEVERS, KRZEMINSKI, BUCCI, MALBURG, KOEHS,  
BRENNAN**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by BUCCI to set the General Operation  
Millage rate at 0.6789 mills, as required by the Headlee Amendment.**

**FOR THIS MOTION: KRZEMINSKI, BUCCI, NEVERS, DUNN, MALBURG, KOEHS,  
BRENNAN**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by DUNN to set the Parks and Recreation  
Millage rate at 0.8271 mills, as required by the Headlee Amendment.**

**FOR THIS MOTION: KRZEMINSKI, DUNN, BUCCI, NEVERS, MALBURG, KOEHS,  
BRENNAN**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

- 15. Request to Renew Contract for Law Enforcement Services with the  
Macomb County Sheriff Department; June 2006 – June 2009.**

Supervisor BRENNAN reviewed this item and stated his recommendation of approval.

**MOTION by KRZEMINSKI seconded by KOEHS to authorize the Supervisor  
to sign the Contract for Law Enforcement Services with the Macomb  
County Sheriff Department for July 2006 – June 2009.**

**MOTION carried.**



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16. **Pay Certificate 1; Lakeside Landing, Completion of Landscape Berm, MA94-115.**

Mr. James VanTiflin, Consulting Engineer, stated that this was the project for which we revoked the performance bond and contracted out the work. He indicated that the job was finished and stated his recommendation of approval for this pay certificate.

**MOTION by BUCCI seconded by DUNN to approve Pay Certificate 1 for Lakeside Landing, Completion of Landscape Berm, MA94-115.**

**MOTION carried.**

**BROADCAST MEDIA DEPARTMENT**

17. **Acceptance of Media Center Studio Equipment Purchase and Installation Proposal.**

Mr. James Gillis, Broadcast Media Manager, reviewed this item and stated his recommendation of approval.

**MOTION by DUNN seconded by NEVERS to approve the Acceptance of Media Center Studio Equipment Purchase and Installation Proposal, as presented.**

**MOTION carried.**

**PARKS & RECREATION DEPARTMENT**

18. **Request to Replace and Upgrade the Chemical Control Units in the Aquatics Center.**

Mr. Salvatore DiCaro, Parks and Recreation Director, reviewed this item and indicated that these newer units would recover the cost of installation and purchase within three years of operation. He also stated his recommendation of approval.

**MOTION by BUCCI seconded by KOEHS to approve the request to Replace and Upgrade the Chemical Control Units in the Aquatics Center as proposed.**

**MOTION carried.**

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**HUMAN RESOURCES DEPARTMENT**

**19. Request to Purchase Signage for CCTV Security System.**

Mr. John Brogowicz, Human Resource Director, reviewed this item and stated his recommendation of approval.

**MOTION by DUNN seconded by NEVERS to approve the Request to Purchase Signage for CCTV Security System.**

**MOTION carried.**

**20. Request for Training.**

Mr. John Brogowicz, Human Resource Director, explained this request to be sent to Leadership Training, and stated his recommendation of approval.

**MOTION by KRZEMINSKI seconded by BUCCI to table this item until the July 12, 2006 Board of Trustees meeting.**

**MOTION carried.**

**WATER AND SEWER DEPARTMENT**

**21. Pay Certificate #5; 23 Mile Road Sanitary Sewer and Water Main Replacement, Pamar Enterprises; MA02-007 and MA02-022.**

Mr. David Koss, Water & Sewer Superintendent, reviewed this item and stated his recommendation of approval.

**MOTION by BUCCI seconded by KOEHS to approve the Pay Certificate #5; 23 Mile Road Sanitary Sewer and Water Main Replacement, Pamar Enterprises; MA02-007 and MA02-022.**

**MOTION carried.**

**22. Request for Parking Lot and Drive Improvements; Water and Sewer Department Facility.**

Mr. David Koss, Water & Sewer Superintendent, reviewed this item in detail and explained the repairs and maintenance that are required, and then stated his recommendation of approval.

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**MOTION by KRZEMINSKI seconded by DUNN to approve the request for Parking Lot and Drive Improvements at the Water and Sewer Department Facility as proposed by the Superintendent.**

**MOTION carried.**

**BOARD COMMENTS**

23. Supervisor Comments:

A. Letter of Understanding with the Michigan Association of Fire Fighters.

Supervisor Brennan explained that the Letter of Understanding was regarding any firefighter that was called to active duty for a short period of time would not be disciplined for any violation of the minimum run attendance policy.

**MOTION by KOEHS seconded by NEVERS to approve the Letter of Understanding with the Michigan Association of Fire Fighters and to authorize the Supervisor to sign it.**

**MOTION carried.**

B. Temporary Certificate of Occupancy; Beaumont Medical Center on Hall Road.

Supervisor Brennan explained that he has been in discussions with representatives of the Beaumont Medical Center on Hall road, and that they are attempting to open up the portion of the building that is ready. He indicated that this is similar to the temporary Certificates of Occupancy that we allow for strip malls, but that this building is more like a 'vertical' strip mall, as the different offices and suites will be leased to various clients.

Mr. Lawrence Dloski, Township Attorney, also indicated that he had negotiated an agreement with Mr. Robert Kirk, attorney for the Beaumont facility, and that they had agreed to the following conditions:

- 1) The temporary Certificate of Occupancy would be for a period of one hundred and twenty (120) days.
- 2) The petitioner would post a fifty thousand dollar (\$50,000.00) bond to ensure that the unapproved floors were not used without approval from the township.

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- 3) The decision to revoke the bond for noncompliance was at the sole discretion of the Township.
- 4) The petitioner has waived all rights of redress regarding the revocation of the bond, should it occur.

Supervisor BRENNAN then stated his recommendation for approval of the temporary certificate of occupancy.

**MOTION by KOEHS seconded by BUCCI to approve the request for a temporary certificate of occupancy for the Beaumont Medical Facility on Hall Road with the following conditions:**

- 1) The temporary Certificate of Occupancy would be for a period of one hundred and twenty (120) days.
- 2) The petitioner would post a fifty thousand dollar (\$50,000.00) bond to ensure that the unapproved floors were not used without approval from the township.
- 3) The decision to revoke the bond for noncompliance was at the sole discretion of the Township.
- 4) The petitioner has waived all rights of redress regarding the revocation of the bond, should it occur.

**MOTION carried.**

24. Clerk Comments: NONE
25. Treasurer Comments: NONE
26. Trustees Comments: NONE

**EXECUTIVE SESSION**

**MOTION by KRZEMINSKI seconded by KOEHS to adjourn to Executive Session.**

**MOTION carried. (*Adjourned to Executive Session at 7:57 p.m.*)**

27. **Consideration of Consent Judgment; Michael Magnoli v Macomb Township.** Circuit Court Case No. 06-0795-CZ

**MOTION by KOEHS seconded by BUCCI to authorize legal counsel to sign the consent judgment as presented in the matter of Michael Magnoli v Macomb Township. Circuit Court Case No. 06-0795-CZ.**

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**MOTION carried.**

28. **Request for Settlement; Macomb Township v Broughton Development, LLC, et al; Case Number 05-143-CC.**

**MOTION by KOEHS seconded by MALBURG to authorize the attorney to continue negotiations in the matter of Macomb Township v Broughton Development, LLC, et al; Case Number 05-143-CC.**

**MOTION carried.**

29. **Request to Amend the Consent Judgment; Marcast Development Company v. Macomb Township; Case Number 03-5119-CH.**

**MOTION by KOEHS seconded by DUNN to have the Clerk send out the proposed consent judgment for Department Head review in the matter of Marcast Development Company v. Macomb Township; Case Number 03-5119-CH.**

**MOTION carried.**

30. **Consideration of Consent Judgment; Beaumont Hospital v. Macomb Township; Circuit Court Case No. 06-1474-AA.**

**MOTION by KOEHS seconded by KRZEMINSKI to authorize the attorney to continue negotiations in the matter of Beaumont Hospital v. Macomb Township; Circuit Court Case No. 06-1474-AA.**

**MOTION carried.**  
**ADJOURNMENT**

**MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 8:25 p.m.**

**MOTION carried.**

Respectfully submitted,

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John D. Brennan

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Macomb Township Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk